IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 18821 of 2004(N)

OS.57/2002 of MUNSIFF COURT, QUILANDY
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PETITIONER:

ASSARIKANDI JANARDANAN BY POWER OF
ATTORNEY HOLDER RAVEENDRAN, MODAKKALLUR AMSOM
THORAYIL DESOM, KYILANDI TALUK, KOZHIKODE DISTRICT

BY ADV. SRI.B.V.JOY SANKER

RESPONDENTS:
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1. ATHOLIKKAVIL MADHAVAN, EDAKKARA AMSOM,
KOLAKKAD DESOM, KOYILANDI.

2. PARAMBATH CHANDRAMATHY, CHEMENCHERRY
AMSOM DESOM, KOYILANDY.

3. ATHOLIKKAVIL SOUMINI,
EDAKKARA AMSOM, KOLAKKAD DESOM, KOYILANDI TALUK.

4. ATHOLIKKAVIL JANAKI, EDAKKARA AMSOM,
KOLAKKAD DESOM, KOYILANDI TALUK.

5. ATHOLIKKAVIL NARAYANI, EDAKKARA AMSOM,
KOLAKKAD DESOM, KOYILANDY TALUK.

6. ATHOLIKKAVIL SUMATHI, EDAKKARA AMSOM,
KOLAKKAD DESOM, KOYILANDI TALUK.

7. ASARIKANDI VILASINI, OLAVANNA AMSOM
DESOM, PANTHEERANKAVU, KOZHIKODE.

8. SARASA NIVASIL SARASA, PANTHALAYANI
AMSOM DESOM, KOYILANDI.

9. THADATHIL BALAN, VELUR AMSOM DESOM.

10. MADATHIL PARAMBATH KANAKA, THADATHIL,
VELUR AMSOM DESOM.

11. THANNIKUZHIYIL SAROJINI, NANMINDA
AMSOM DESOM, KOZHIKODE.

12. THANNIKUZHIYIL SAROJINI, NANMINDA
AMSOM DESOM, KOZHIKODE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 18821 OF 2004

Dated this the 26th day of June, 2007

JUDGMENT

Ext.P2 order impugned in this Writ Petition under Article 227 filed by the plaintiff in a partition suit at the stages of proceedings for passage of final decree is an order by which the learned Munsiff dismissed a commission application. I have gone through Ext.P2 and I find that cogent reasons are given by the learned Munsiff for supporting the decision in Ext.P2. I do not find any warrant for invoking the visitorial jurisdiction of this Court under Article 227 on Ext.P2. I have reason to assume that the petitioner who was not given stay of further proceedings in the suit though the same was applied for is no longer interested in the matter. In all probability, the proceedings in the suit are over. That should be why at every time when this case is posted, the order passed is to post this case as and when moved again. The Writ Petition is dismissed.

PIUS C. KURIAKOSE, JUDGE

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